

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THERESA MALONE, individually and as
shareholders of and on behalf of Blue
Valley Foods, Inc., a Nebraska corporation;
LEE PRESTON, individually and as
shareholders of and on behalf of Blue
Valley Foods, Inc., a Nebraska corporation;
JULIE O'NEAL, individually and as
shareholders of and on behalf of Blue
Valley Foods, Inc., a Nebraska corporation;
TERRY MITCHELL, individually and as
shareholders of and on behalf of Blue
Valley Foods, Inc., a Nebraska corporation;
and TERESA WATSON, individually and
as shareholders of and on behalf of Blue
Valley Foods, Inc., a Nebraska corporation;

Plaintiffs,

vs.

KANTNER INGREDIENTS, INC.,
KANTNER REAL ESTATE, LLC,
KANTNER CUSTOM DAIRY, LLC,
CHIANTI CHEESE OF NEW JERSEY,
INC., DOUGLAS KANTNER,
KANTNER GROUP, INC., CUSTOM
DAIRY PRODUCTS, LLC, KEVIN
RUTTER, acting in his official capacity as
Director of Blue Valley Foods, Inc.;

Defendants.

4:12CV3190

ORDER

Plaintiffs' recently filed Motion to Compel, (Filing No. [104](#)), contains a "Notice of Hearing" instructing Defendants to appear before the undersigned Magistrate Judge on October 8, 2013. However, Plaintiffs have not requested a hearing on the motion in compliance with Local Rule NECivR [7.1](#)(d), which provides:

Any request for oral argument or for an evidentiary hearing by a moving party must be included in the motion or else presented by a separate motion filed no later than the deadline for filing a reply brief. . . . In general the court does not allow oral argument or evidentiary hearings on motions. The party requesting oral argument or an evidentiary hearing must state (1) why

argument or a hearing is necessary and (2) an estimate of the time required for the argument or hearing.

Accordingly,

IT IS ORDERED that Plaintiffs' "Notice of Hearing" contained in Filing No. [104](#) is hereby stricken.

Dated this 25th day of September, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge